S.B.CRIMINAL MISC. BAIL APPLICATION NO.4257/2006
Date : 13.10.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. D.S. Dev for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. R.S. Gill for complainant.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order as well as the case diary.

It has been contended by learned counsel for the applicants that the complainant party was aggressor and regarding the incident first FIR was lodged by the applicants party and in that FIR seven persons were named. It has also been submitted that the parties were not in good terms and the applicants were apprehending some incident on account of threatening given by the complainant, therefore, a complaint under Section 107/116 Cr.P.C. was filed and in that complaint, complainant party was ordered to execute bonds to maintain peace. It has further been contended that present incident has taken place after the complainant party executed the bonds to maintain peace. It has next been contended that

the quarrel took place is not in dispute but the fact is that complainant party inflicted number of injuries as would appear from the injury reports of Subhash, Sudash etc. In last, he has contended that not only one but number of grievous injuries were sustained by the applicants party and the FIR which has been lodged in the matter has been lodged subsequently, therefore, they should be enlarged on bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant submitted that infact accused party was aggressor and they have also inflicted injuries on the persons of the complainant party and some of them are grievous, therefore, the applicants are entitled to be enlarged on bail.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case and the fact that FIR in this case has been lodged by the applicants party prior in time and the applicants sustained grievous injuries on their persons and

further it appears that apprehending some untoward thing, proceedings were lodged against the complainant party under Section 107/116 Cr.P.C., therefore, without expressing any opinion on the merit of the case, I deem it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Sudesh S/o Rajaram (2) Subhash S/o Bhupram and (3) Banwari S/o Bhagaram by I.O./S.H.O. in FIR No.265/2006 P.S. Philibanga, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant